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FILED
DISTRICT COURT OF GUAM

DEC 13 2004

MARY L. M. MORAN
CLERK OF COURT

Attorneys for Respondents

**IN THE DISTRICT COURT OF GUAM
HAGÁTÑA, GUAM**

JULIE BABAUTA SANTOS, individually
and on behalf of all those similarly situated,

Petitioner,

vs.

FELIX P. CAMACHO, Governor of Guam;
ART ILAGAN, Director of Department of
Revenue and Taxation; LOURDES M.
PEREZ, Director of Department of
Administration; DOUGLAS B. MOYLAN,
Attorney General of Guam; and
GOVERNMENT OF GUAM,

Respondents.

Civil Case No. 04-00006

**EX PARTE MOTION TO SHORTEN
TIME TO HEAR MOTION FOR
CONTINUANCE**

Pursuant to F.R.Civ.P., Rule 6(b), the Attorney General of Guam, respectfully moves the Court *ex parte* to shorten time to hear his Motion for Continuance of the hearing presently set for December 17, 2004. In support, the Attorney General respectfully says as follows:

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Rule 6(b)1, F.R.Civ.P. provides in pertinent part:

3 When by these rules or by a notice given thereunder or by
4 order of court an act is required or allowed to be done at or within a
5 specified time, the court for cause shown may at any time in its
6 discretion (1) with or without motion or notice order the period
 enlarged if request therefore is made before the expiration of the
 period originally prescribed or as extended by a previous order....

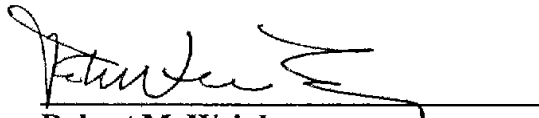
7 As shown in the Motion for Continuance, no party can legitimately dispute that the
8 Attorney General has shown good cause for a continuance considering: (1) the three attorneys
9 qualified to appear have unavoidable personal commitments of a most serious nature; (2) the
10 unavailability of any other attorney in the Office to adequately prepare and present argument to the
11 Court on short notice; (3) the lack of objection by all but one attorney in this matter, namely,
12 counsel for the plaintiffs; (4) the lack of prejudice to any opposing parties; (5) the agreed upon
13 necessity for witness testimony at a hearing; (6) the likelihood of "lengthy" argument on the
14 preliminary question of who represents whom, and accordingly, what defenses will be asserted and
15 what defenses will not be, thus critically defining the nature of the remainder of the case and,
16 significantly, whether there even remains a preliminary settlement for the parties to pursue; (7) the
17 high probability someone will move that this case be consolidated with *Charmaine R. Torres v.*
18 *Government of Guam, Felix P. Camacho, et al*, Civil Case No. 04-00038; and the recently filed
19 *Mary Grace Simpao and Christina M.S. Naputi*, Civil case No. 04-00049; (8) the possibility that
20 someone may object to the current exercise of jurisdiction by the Magistrate-Judge; and (9) that in
21 light of all the above, what was originally scheduled and plaintiffs are insisting be heard,
22 "Petitioner's Motion for Orders Approving the Administration Plan, [etc.]" will likely serve no
23 purpose at all.
24
25

1 This ex parte motion and application is based upon the files and records herein, and the
2 declaration of Robert M. Weinberg filed contemporaneously herewith.

3 WHEREFORE, The Attorney General of Guam, respectfully moves the Court to shorten
4 time and schedule the motion for continuance at the earliest practicable opportunity prior to
5 December 17, 2004.

6 This 13th day of December, 2004.

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8 OFFICE OF THE ATTORNEY GENERAL
9 Douglas B. Moylan, Attorney General

10 
11 Robert M. Weinberg
12 Assistant Attorney General
13 Attorney for Respondents and
14 Attorney General Douglas B. Moylan